

REMARKS/ARGUMENTS

A restriction requirement was made with respect to Claims 1-8 and 14 (drawn to a hung window) and Claims 9-13 (drawn to a method of opening window). Applicant hereby elects without traverse to pursue the invention of Claims 1-8 and 14. Accordingly, Claims 9-14 have been withdrawn, and Applicant preserves its right to pursue these claims in a subsequent divisional/continuation application.

Claims 1-4, 7, 8 and 14 were rejected under Section 102 as being anticipated by Dupuis et al. Claim 1 has been amended to recite a number of additional features to include the frame having a pair of spaced vertical frame members, an upper frame member, a lower frame member, and each vertical frame member having a pair of vertically extending channels formed therein. Claim 1 has been further amended to recite the upper and lower sashes being mounted in respective opposing pairs of said channels, and said pair of pulleys being mounted within the opening defined by the frame. Additionally, Claim 1 has been amended to further recite a locking mechanism for locking the upper sash with respect to the lower sash, the locking mechanism having a first part mounted to the upper sash and a second part mounted to the lower sash.

The Dupuis reference is deficient for a number of features as now claimed in amended Claim 1 to include any form of a locking mechanism. As seen in the figures of Dupuis, the lower sash 20 is connected to a separated upper sash 26 by means of a pair of pulleys and a cable, while another lower sash 24 is connected to another separated upper sash 22 by another set of pulleys and a cable. This arrangement shown in Dupuis discloses no locking mechanism, and

furthermore, Dupuis teaches away from any type of locking mechanism which could be used to lock the upper and lower sashes that are connected to one another by a cable. The sashes in Dupuis are connected to one another in an arrangement quite different from the present invention in that each lower sash is connected to an upper sash which does not form a planer window structure and rather, the Dupuis reference discloses a double hung sash assembly.

Claim 7 has been amended to also recite further limitations with regard to the construction of the frame, and further that the cable has means attached at both ends thereof for adjusting a length of the cable spanning between the upper sash and the lower sash. Dupuis clearly fails to disclose any type of means for adjusting lengths of the cables spanning between the upper and lower sashes. With respect to Claim 8, it has been amended to further recite an interlock mechanism for sealing the upper sash with respect to the lower sash, the interlock mechanism being mounted adjacent an upper end of said lower sash and a lower end of said upper sash. As mentioned above with respect to the construction of Dupuis et al., this feature is also not shown and Dupuis actually teaches away from any type of interlock mechanism which could be used with respect to the claimed arrangement of sashes, pulleys and cables since Dupuis discloses a double hung sash assembly wherein sashes connected to one another by a cable are separated from one another and cannot be so configured to seal with respect to one another since there is an upper or lower sash positioned therebetween.

It is also noted with respect to the Nagel reference that the pulleys 43 are not mounted within the frame of the window, nor are they mounted within an opening defined by the frame. As seen in Figures 1 and 2 of Nagel, the pulleys 43 are mounted within respective boxes 44

positioned above the most upper horizontal frame member, the upper pane 20 being clearly disposed below the boxes 44. Claims 2-4 depend from Claim 1. For the reasons as set forth above, the rejection under Section 102 should be withdrawn.

Claims 5 and 6 were rejected under Section 103 as being unpatentable over Dupuis in view of Nagel. Claims 5 and 6 depend from Claim 1, and Nagel fails to cure the deficiencies in Dupuis. Additionally, it is noted in the Dupuis reference that the cables are attached to their respective sashes at the upper ends thereof (see Figures 3 and 4), while in the Nagel reference, the cables are attached to their respective sashes at the lower ends thereof as by hooks 39 which engage respective pivot members 37 which are selectively retractable within the locks 38 incorporated within the bottom rails of the sashes. Dupuis teaches away from any type of cable connection at the lower ends of the sashes, and Nagel clearly requires a special arrangement of the connecting elements to be incorporated within the lower ends of the sashes for adjusting cable length. Therefore, Applicant also asserts that Nagel is not properly combinable with Dupuis. Therefore, the rejection under Section 103 should be withdrawn.

New Claims 15-18 have been added to further claim the invention. Each of these claims depend from Claim 7, and should be found allowable for the same reasons as set forth above with respect to Claim 7.

Application No. 10/756,979

Applicant has made a sincere effort to place the application in a condition for allowance; therefore, such favorable action is earnestly solicited. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 
Brent P. Johnson

Registration No. 38,031
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 10/28/65